

"The judgments of conviction will be reversed."

The case was retried upon the defendants' pleas of not guilty, and at the conclusion of the testimony on January 4, 1949, and upon motion made on behalf of the defendants, the court ordered that count 2 of the information be dismissed. On the same day, a verdict of guilty on count 1 of the information was returned by the jury.

A motion for a new trial was made on behalf of the defendants, and on February 9, 1949, such motion was denied. On June 2, 1949, the court imposed a fine of \$1 against the company, \$100 against defendant Roach, and \$150 against defendant Lambert. Imposition of prison sentences against the individuals was suspended, and the individuals were placed on probation for 1 year.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

2757. Adulteration of Peptulcyl Ampoules. U. S. v. Solex Laboratories, Inc., and Nicholas Raimondi. Pleas of guilty. Fine of \$1,000 against corporation and \$750 against individual. (F. D. C. No. 21433. Sample No. 20284-H.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against Solex Laboratories, Inc., Brooklyn, N. Y., and Nicholas Raimondi, president of the corporation.

ALLEGED SHIPMENT: On or about April 18, 1945, from the State of New York into the State of Oklahoma.

LABEL, IN PART: (Carton) "Sterile Intramuscular Solution Peptulcyl Ampoules Formula A neutral solution of: Proteolytic Enzymes"; (ampul) "Peptulcyl Proteolytic Enzymes."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since it was represented to be sterile and to be suitable and appropriate for intramuscular injection, a use which requires a sterile product, whereas the article was not sterile and was unsuitable and inappropriate for intramuscular injection since it was contaminated with viable micro-organisms.

DISPOSITION: October 28, 1948. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against the corporation and a fine of \$750 against the individual.

2758. Adulteration and misbranding of Obeto, Estrovar, and theobromine compound. U. S. v. Kenneth G. Ziegler (Ziegler Pharmacal Co.). Plea of guilty. Fine of \$300 on each of 10 counts, plus suspended fine of \$500 and suspended sentence of 1 year's imprisonment on each of remaining 2 counts. Defendant placed on probation for 1 year. (F. D. C. No. 25618. Sample Nos. 4894-K, 6105-K, 6361-K, 12967-K, 19271-K, 27405-K.)

INFORMATION FILED: March 11, 1949, Western District of New York, against Kenneth G. Ziegler, a member of the partnership of the Ziegler Pharmacal Co., Buffalo, N. Y.

ALLEGED SHIPMENT: On or about January 6, February 5, and March 11, 15, and 18, 1948, from the State of New York into the States of Massachusetts, Pennsylvania, Ohio, and Missouri.

NATURE OF CHARGE: *Obeto*. Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess. The article purported and was represented to be suitable and appropriate for intramuscular use, which use requires a sterile product, whereas it was not suitable and appropriate for such use since it was not sterile but was contaminated with viable micro-organisms. Misbranding, Section 502 (a), the label statements "Intramuscular" and "For intramuscular use" were false and misleading.

Estrovar. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess. The article purported and was represented to contain in each cubic centimeter estrogenic substance possessing a physiological activity equivalent to 10,000 International Units of estrone, whereas each cubic centimeter of the article contained estrogenic substance possessing a physiological activity equivalent to less than 10,000 International Units of estrone. Misbranding, Section 502 (a), the label statement "Each cc. contains Estrogenic Substance principally Estrone equivalent to 10,000 international units," was false and misleading.

Theobromine compound. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess. The article was represented to contain $\frac{1}{2}$ grain of phenobarbital per tablet but contained less than that amount of phenobarbital. Misbranding, Section 502 (a), the label statement "Tablets * * * Theobromine (Compound) * * * Phenobarbital $\frac{1}{2}$ gr." was false and misleading.

DISPOSITION: May 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$300 on each of 10 counts of the information, plus a suspended fine of \$500 and a suspended sentence of 1 year's imprisonment on each of the remaining 2 counts, and placed the defendant on probation for 1 year.

2759. Adulteration and misbranding of tincture of green soap. U. S. v. 87 Cases
* * * (F. D. C. No. 25706. Sample No. 43460-K.)

LIBEL FILED: October 25, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 14, 1948, by Bri-Test, Inc., from New York, N. Y.

PRODUCT: 87 cases, each containing 24 1-pint bottles, of *tincture of green soap* at Broadview, Ill. Analysis showed that the product contained 30 percent isopropyl alcohol.

LABEL, IN PART: "Bri-Test U. S. P. Tincture of Green Soap (Green Soap Liniment)."

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), an article containing isopropyl alcohol had been substituted in whole or in part for "U. S. P. Tincture of Green Soap," which the article purported to be, and which contains ethyl alcohol.

Misbranding, Section 502 (a), the name "U. S. P. Tincture of Green Soap (Green Soap Liniment)" was false and misleading as applied to an article that was not "U. S. P. Tincture of Green Soap."

DISPOSITION: May 10, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, to be used for industrial or cleaning purposes.